REMARKS

Claims 1-30 are pending in the application. Claims 1, 13, and 25 are independent. Claims 1, 13, and 25 have been amended. These changes are believed to introduce no new matter and their entry is respectfully requested.

Rejection of Claims 1, 13, and 25 Under 35 U.S.C. §112, Second Paragraph

In paragraph 2, the Examiner rejected claims 1, 7, 16, 21, 24, and 28 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. By the foregoing Amendment Applicant has amended claims 1, 13, and 25 to accommodate the Examiner. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1, 13, and 25.

Rejection of Claims 1-4, 8-9, 11, 13-17, 20-21, 23, and 25-28 Under 35 U.S.C. §102(b)

In the Office Action, the Examiner rejected claims 1-4, 8-9, 11, 13-17, 20-21, 23, and 25-28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,167,944567 to Gai et al. (hereinafter "Gai"). A claim is anticipated only if each and every element of the claim is found, either expressly or inherently, in a reference. (MPEP §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. Id. *citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,1236 (Fed. Cir. 1989)). Applicant respectfully traverses the rejection.

Claim 1 recites in pertinent part *"dynamic network information* to model a physical configuration of a network and to detect a change in the physical configuration of the network; and a policy manager to network traffic and to deploy at least one policy to a set of devices in the network in response to the detected change in physical configuration of the network, wherein the physical configuration includes at least a physical location of a set of devices" (emphasis added). Claim 13 recites in pertinent part "applying *dynamic network information* to a policy manager by: modeling a physical configuration of a network; detecting a change in the physical configuration of the network; and mapping a policy to a set of devices in the network based on the detected change in the physical configuration of the network, wherein the physical configuration includes at least a physical location of a set of devices, the policy to manage

network traffic" (emphasis added). Claim 25 recites in pertinent part "model a topology of a network; detect a change in the topology of the network; apply *dynamic network information* including the change in the topology of the network to a policy manager, wherein the change in topology includes at least a change in a physical location of a set of devices; and map a policy to a set of devices in the network based on the detected change in the topology of the network, the policy to manage network traffic" (emphasis added). Support for these changes according to at least one embodiment can be found in Applicant's Specification at page 7, line 20 to page 8, line 4.

Applicant respectfully submits that Gai does not teach the identical invention recited in claims 1. For example, Gai does not teach "dynamic network information" as recited in claims 1, 13, and 25. According to embodiments of the claimed invention, dynamic network information includes information related to network topology, error rates, response times, etc., to continually reflect the configuration and status of the network as the network *physically changes*. This means that the dynamic network information reflects if an endpoint location changes or whether there are any other *physical changes* to the network topology. Similarly, dynamic network information reflects if an endpoint changes its configuration, due to being connected to a different switch/router, for example. This allows one or more policies to be changed automatically based on the physical changes. Gai does not address physical changes to network topology and certainly does not contemplate automatic policy changes for an endpoint moving from one location to another or changing its configuration base on the move. Gai is limited to a static network topology and does not teach or fairly suggest dealing with a dynamically changing network topology.

Gai also fails to teach or fairly suggest modeling a physical configuration and/or topology of a network as recited in claims 1, 13, and/or 25. In the Office Action, the Examiner cites column 8, lines 6-25 of Gai for teaching *modeling a physical configuration* of a network. In essence, the Examiner is asserting that DHCP models the physical configuration of a network. Applicant respectfully disagrees with the Examiner's characterization of Gai. DHCP does not model a physical configuration of a network. It assigns IP addresses to devices in the network. Embodiments of the claimed invention mathematically model the physical configuration of nodes and media within a network, even as they change dynamically.

Gai also does not teach or fairly suggest detecting a change in the physical configuration of the network as recited in claims 1, 13, and 25. In the Office Action, the Examiner cites column 18, lines 30-33 of Gai for teaching detecting a change in the physical configuration of the network. To be fair, Gai mentions changing roles of particular interfaces, however Gai does not mention changing locations of any devices and detecting those changes to the topology. Gai is limited to changing the role of a stationary device, not a device whose physical location may be dynamically changing. That is, Gai does not continually reflect the configuration and status of a network as the network changes.

Because Gai fails to teach at least these elements of claim 1, 13, and/or 25, Gai fails to teach the identical invention as recited in claims 1, 13, and/or 25. Applicant respectfully submits therefore that claims 1, 13, and 25 are patentable over Gai.

Claims 1-4, 8-9, and 11 properly depend from claim 1, which Applicant respectfully submits is patentable over Gai. Accordingly, Applicant respectfully submits that claims 1-4, 8-9, and 11 are patentable over Gai for at least the same reasons that claim 1 is patentable over Gai. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections to claims 1-4, 8-9, and 11.

Claims 14-17, 20-21, and 23 properly depend from claim 13, which Applicant respectfully submits is patentable over Gai. Accordingly, Applicant respectfully submits that claims 14-17, 20-21, and 23 are patentable over Gai for at least the same reasons that claim 13 is patentable over Gai. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections to claims 13-17, 20-21, and 23.

Claims 26-28 properly depend from claim 25, which Applicant respectfully submits is patentable over Gai. Accordingly, Applicant respectfully submits that claims 26-28 are patentable over Gai for at least the same reasons that claim 25 is patentable over Gai. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly,

Applicant respectfully requests that the Examiner reconsider and remove the rejections to claims 25-28.

Rejection of Claims 5-6, 10, 18-19, 22, and 29-30 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 5-6, 10, 18-19, 22, and 29-30 under 35 U.S.C. §103(a) as being unpatentable over Gai in view of U.S. Patent No. 6,351,771 to Craddock et al. ("Craddock"). Applicant respectfully traverses the rejection.

Claims 5-6 and 10 properly depend from claim 1, which Applicant respectfully submits is patentable over Gai, claims 18-19 and 22 properly depend from claim 13, which Applicant respectfully submits is patentable over Gai, and claims 29-30 properly depend from claim 25, which Applicant respectfully submits is patentable over Gai. Accordingly, Applicant respectfully submits that claims 5-6, 10, 18-19, 22, and 29-30 are patentable over Gai for at least the same reasons that claims 1, 13, and 25 are patentable over Gai. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections to claims 5-6, 10, 18-19, 22, and 29-30.

Rejection of Claims 7, 12, and 24 Under 35 U.S.C. §103(a)

In paragraph 6 of the Office Action, the Examiner rejected claims 7, 12, and 24 under 35 U.S.C. §103(a) as being unpatentable over Gai in view of U.S. Patent No. 6,266,781 to Chung et al. ("Chung"). Applicant respectfully traverses the rejection.

Claims 7 and 12 properly depend from claim 1, which Applicant respectfully submits is patentable over Gai, and claim 24 properly depends from claim 13, which Applicant respectfully submits is patentable over Gai. Accordingly, Applicant respectfully submits that claims 7, 12, and 24 are patentable over Gai for at least the same reasons that claims 1 and 13 are patentable over Gai. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections to claims 7, 12, and 24.

CONCLUSION

Applicant submits that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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